



## Wake Forest Board of Commissioners Work Session Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, January 3, 2023, at 6:00 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Mayor Jones called the meeting to order at 6:00 p.m.

**Commissioners Present:** Mayor Vivian A. Jones, Commissioner Jim Dyer, Commissioner Chad Sary, Commissioner Keith Shackleford, Commissioner Nick Sliwinski, and Commissioner Adam Wright

**Commissioners Absent:** None.

### Staff Members Present:

Town Manager Kip Padgett  
Town Attorney Hassan Kingsberry  
Assistant Town Manager Candace Davis  
Assistant Town Manager Allison Snyder  
Town Clerk Theresa Savary  
Chief Financial Officer Aileen Staples  
Assistant Finance Director Samantha Sanchez  
Senior Budget Analyst Benjamin Blevins  
Planning Director Courtney Tanner  
Assistant Planning Director Jennifer Currin

Senior Planner Patrick Reidy  
Senior Planner Kari Grace  
Chief Information Officer Adam Oates  
Engineering Director Joseph Guckavan  
Strategic Performance Manager Lisa Hayes  
Downtown Development Manager Jennifer Herbert  
Downtown Development Specialist Camryn Gutierrez  
Police Captain Brian Mote

### 1. Presentations

Mayor Jones requested the following item be added to tonight's agenda under "Other Business": North Carolina League of Municipalities Municipal Advocacy Goals.

- 1.1 Presentation of LEGISLATIVE CASE RZ-21-12 Averette Woods Subdivision; rezoning filed by Gail Moody and PNB Homes LLC to rezone 31.23± acres located at 0, 2228, 2300, 2312 Averette Road; 0, 1900, 1905, 1908, 1909 Capricorn Drive; and 1909 Moody Drive, being Wake County Tax PINs 1861-02-0421, 1851-93-9056, 1861-02-6148, 1861-02-2044, 1861-02-6046, 1861-01-4639, 1861-01-0635, 1861-01-4836, 1861-01-0709, & 1851-91-9904, from Wake County R-30 to General Residential 5 Conditional District (GR5 CD).

Senior Planner Kari Grace provided a presentation on Case RZ-21-12, Averette Woods Subdivision. The applicants and property owners are Gail Moody and PNB Homes, LLC. The property is located at the southeast corner of Averette Woods Rd. and Oak Grove Church Rd. There are 10 parcels, in total, totaling 31.23+ acres. Currently, the properties are located in Wake County's jurisdiction and have Wake County's zoning of R-30. The proposed zoning district is for General Residential 5 Conditional District (GR5 CD).

Ms. Grace shared the aerial map, zoning map and jurisdiction map, existing conditions plan, subdivision plan, utility plan, landscape plan,

Ms. Grace provided the following proposed conditions for Case RZ-21-12:

1. The subject property shall be developed generally in accordance with the associated subdivision master plan. Amendments to the subdivision master plan shall require a rezoning amendment unless the Administrator finds the modification to be minor and in keeping with the spirit and intent of the adopted subdivision master plan.
2. The total number of residential lots on the subject property shall not exceed 66 residential lots.
3. At least 13 acres of the subject property shall be preserved as open space.
4. The following architectural elements shall be present on homes in the community:
  - a) Exterior building walls of homes shall be primarily brick, stone, masonry material imitating brick or stone, fiber cement siding or a combination thereof. A minimum of two materials shall be utilized on each home. Vinyl shall only be permitted for windows, doors or elements such as trim, soffits and the like.
  - b) At least 15% of the area of each front façade that faces a street lot line must be windows or entrance doors, as measured from the finished floor elevation to the eave.

- c) At least 10% of the area of each side façade that faces a street lot line must be windows or entrance doors, as measured from the finished floor elevation to the eave.
  - d) Garage door width shall not exceed 50% of the total front building façade width.
  - e) All homes shall have garages with at least two (2) of the following features: (i) windows in the garages; (ii) two single garage doors; (iii) decorative brackets over the garage; (iv) an extended eave line at least twelve inches (12") in depth over the garage; (v) garage doors painted or stained with an accent color; or (vi) the garage is setback at least four feet (4') from the primary plane of the house.
  - f) All homes shall have porches on the front and/or side of the building. Porches shall be at least six feet (6') in average depth and shall have a minimum width/length of 10 feet (10'). Except for homes designed for occupation by elderly persons or persons with disabilities, porches shall be at least three and a half inches (3.5") above the sidewalk.
5. At least five (5) exterior facade color palettes shall be present in the community to avoid monotony in appearance of the homes.

Ms. Grace stated the application for Case RZ-21-12 was submitted when the 2009 Community Plan was still in effect and is the information it's being compared against.

Ms. Grace stated at the December 13, 2022 Planning Board Meeting the Planning Board held a public comment session and recommended approval by a vote of 6-0, recommending approval based on the applicant's proposed conditions as well as consideration of incorporating a memorialization of the Moody Family and the Planning Board also found the request to be consistent with the Comprehensive Plans.

Ms. Grace stated staff recommends approval of the proposed conditional rezoning and finds it to be consistent with the Comprehensive Plan and in the public interest for the following reasons:

1. The proposed zoning district is consistent with the Sub-Urban Zone of the 2009 Community Plan.
2. The proposed rezoning supports Community Plan policies related to strong street connectivity and pedestrian infrastructure.
3. The proposed rezoning supports Community Plan policies related to open space and natural resource protection and compatibility with surrounding areas by

providing enhanced buffering and significant open space and tree preservation areas.

4. The proposed rezoning supports Community Plan policies related to community character with architectural design commitments and burial of overhead utilities.

Commissioner Wright asked for clarification on the existing pond to be breached. Beth Blackman with Timmons Group stated breaching is making a cut into the dam allowing it to drain down. Commissioner Wright asked once the pond is breached will it count towards open space. Ms. Blackman replied, yes.

Mayor Jones inquired about the memorialization of the Moody Family. Ms. Grace replied that was a discussion that came up at the public comment session with the Planning Board and is something the Planning Board included in their recommendation. Commissioner Sary asked if the applicant accepted the condition. Ms. Grace stated they indicated a willingness to do that, but they haven't formally offered it in a written condition. Beth Trahos with Nelson Mullins stated what they said at the Planning Board meeting is they'd like to talk with Mrs. Moody about what she'd like to see as a memorial for her husband. Ms. Trahos said they'd prefer not to have a condition that the town is enforcing and would like Mrs. Moody to tell them what she'd like to see.

Commissioner Wright asked what would be done with any livestock in the pond. Ms. Blackman stated in previous experiences, sometimes the contractors would relocate or harvest the livestock.

- 1.2 Presentation of LEGISLATIVE CASE RZ-22-05; Reserve at Dunn Creek; rezoning filed by Abode Communities, LLC to rezone 67.42± acres located at 0 Friendship Chapel Road and 0 NC 98 Bypass, being Wake County Tax PINs 1840660542, 1840761824, 1840657710, and 1840676254 from Residential Mixed-Use, Conditional Use (RMX CU), Residential Mixed-Use (RMX), General Residential 3, Conditional Use (GR3 CU), Highway Business, Conditional Use (HBCU), Traditional Neighborhood Development Overlay (TND), and Special Highway 2 Overlay (SH2-O) to Residential Mixed-Use Conditional District (RMX-CD), Urban Residential Conditional District (UR-CD), Open Space Conditional District (OS-CD) and Special Highway 2 Overlay (SH2-O).

Senior Planner, Patrick Reidy provided a presentation on Case RZ-22-05: Reserve at Dunn Creek located at 0 Friendship Chapel Road and 0 NC 98 Bypass. Mr. Reidy stated

the Planning Board heard Case RZ-22-05 at their December 13, 2022 meeting as part of the Public Comment Session and was recommended approval by a vote of 5-1. The Planning Board agreed with the applicant's proposed conditions and also had the following considerations for the applicant to think about:

- Consideration of removing seating benches or trellis swings and shade structure with seating as amenity options for IPS 1 and IPS 2
- Consideration of removing the open space from the northwest corner of the site adjacent to Holding Village
- Consideration of providing three way stops at three-way intersections.
- Consistent with the Comprehensive Plans

Mr. Reidy shared the aerial site map, zoning map, 2009 community plan zones & neighborhood planning areas, proposed zoning, existing conditions plan, subdivision plan, site data, utility plan, landscape plan, and the following UR/RMX zoning modifications.

Mr. Reidy shared the proposed conditions (see attached conditions).

Mr. Reidy stated staff recommends approval of the proposed conditional rezoning and finds it to be consistent with the Comprehensive Plan and in the public interest for the following reasons:

1. The proposed zoning district is consistent with the Town Center Zone of the 2009 Community Plan.
2. The proposed rezoning supports Community Plan policies related to strong street connectivity, connections to other neighborhoods and shopping, and pedestrian infrastructure.
3. The proposed rezoning supports Community Plan policies related to open space and natural resource protection and compatibility with surrounding areas by providing enhanced buffering and significant open space and tree preservation areas.
4. The proposed rezoning supports Community Plan policies related to community character with architectural design commitments.

Commissioner Dyer asked if the property north of the Calvin Jones Highway has a high bank. Mr. Reidy replied, yes. Commissioner Dyer asked if the town maintains it. Mr. Reidy stated the town isn't maintaining any of those trees. He said it's a wooded area and not of any developable value.

Commissioner Sary asked if the conditional use permit only applies to the one little sliver that's still there. Mr. Reidy replied, yes.

Commissioner Sary asked about the timing of the connection point at Friendship Chapel Rd. between Holding Village and Heritage Subdivision. Mr. Reidy stated the plans are already in for the eastern connection by Heritage Subdivision. They'd be starting on the eastern end putting in the connection and working their way east to west.

Commissioner Sary asked with all those conditions for architecture how does staff keep up with them all. Mr. Reidy replied it's a thorough review at the time of the building permits.

Commissioner Wright asked about the Planning Board requesting the removal of a tree buffer area. Mr. Reidy replied a specific area is being removed as part of the open space.

Mayor Jones asked where the removal of seating benches or trellis swings was located. Mr. Reidy replied in the two larger areas. He stated that the Planning Board felt those two options didn't give an active component.

1.3. Presentation of LEGISLATIVE CASE RZ-22-06, Harris Road Subdivision; rezoning filed by Church Street Company to rezone 68.28± acres located at 0 Harris Road, being Wake County Tax PIN 1841392412, from Rural Holding District (RD) to Highway Business Conditional District (HB CD), Neighborhood Business Conditional District (NB CD), and General Residential 10 Conditional District (GR10 CD).

Assistant Planning Director Jennifer Currin provided a presentation on Case RZ-22-06: Harris Road Subdivision located at the southeast corner of US-1 and Harris Road and north of Joyner Park.

Ms. Currin shared the adjacent land uses, zoning & zoning overlay map, existing conditions plan, overall subdivision plan, and landscape plan.

Ms. Currin shared the proposed conditions (see attached conditions).

Ms. Currin stated the Planning Board heard Case RZ-22-06 at their December 13, 2022 meeting as part of the Public Comment Session and was recommended denial by a vote of 6-0. The Planning Board found the request inconsistent with the Community Plan.

Ms. Currin stated staff recommends denial of the rezoning as proposed and finds it to be inconsistent with the Comprehensive Plan and not in the public interest for the following reasons:

1. The proposed zoning is inconsistent with the Community Plan.
2. The proposed zoning does not incorporate a mix of housing types that are not already provided in the Neighborhood Planning Area
3. With the majority of U-5307 funded, the Town needs to continue to anticipate and plan for US-1 to be converted to a limited access freeway. As part of those planning efforts, the Town needs to anticipate concerns that could arise from single family residential development being located directly adjacent to a service road and within ¼ mile to 1 mile of an interchange.
4. The Town's ability to recruit new and expanding industries and business could be reduced if the amount of land the Town has planned for nonresidential uses is diminished for residential purposes.

Commissioner Sary asked if there was any type of market study that shows the subject area could be developed. Ms. Currin stated the applicant may be able to answer that question.

Commissioner Sary stated one of his biggest concerns with the layout of the master plan is the connection to Joyner Park. Ms. Currin stated NCDOT has been asked to provide some type of safe crossing.

Commissioner Sary asked if the road connection to the Harris Teeter shopping center is being shown to implement what NCDOT has planned for the area. Ms. Currin replied, correct.

Commissioner Sliwinski asked in addition to the road being the entrance to the shopping center wouldn't that also be the main entrance to Richland Creek Elementary in addition to the tractor-trailers and fronted with townhomes. Ms. Currin replied, correct.

Applicant, Ben Williams with Priest Craven & Associates stated there has not been a formal market study to date. Mr. Williams stated their clients have commercial experience and don't find the commercial to be viable in this location.

## **2. Discussion of Monthly Financial Report**

### 2.1. Monthly Financial Report

Received.

## **3. Review of Draft Agenda for Upcoming Regular Meeting**

### 3.1. Review of Draft Agenda for Upcoming Regular Meeting

The draft agenda was reviewed.

## **4. Other Business**

- 4.1. Consideration of an Ordinance Amending the Code of Ordinances Chapter 20 Offenses and Miscellaneous Provisions, Article I. - In General, Sec. 20-2. - Public consumption, possession, etc., of alcohol.

Downtown Development Manager Jennifer Herbert went before the Board of Commissioners for consideration of an ordinance amending Chapter 20. Article 1 in General Section 20-2. Public consumption, possession, etc. of alcohol for the creation of a Social District in downtown Wake Forest.

Ms. Herbert shared the proposed boundaries of the Wake Forest Social District, and the days and hours of the social district. Ms. Herbert explained all businesses located within the boundaries of the social district would be required to opt in or opt out of the social district and display an appropriate door cling. Ms. Herbert provided some detail on what the next steps would be if the Board were to approve a social district.

Commissioner Shackleford asked what the rationale is on the map located from E. Owen St. to Elm St. on S. White St. He said there are virtually no restaurants except for Sweeties Candy Shop. Ms. Herbert stated from a staff component if they're to have a social district it would make sense to encompass the Friday Night on White layout to help with consistency so there's no confusion.

Commissioner Sliwinski asked Ms. Herbert about the location of future businesses coming in and how she mentioned they had expressed an interest in becoming part of the social district. Ms. Herbert said she's thinking of the future food hall as well as the other end of S. White St. adjacent to the Loading Dock where Atlas Stark Holdings is



slated to redevelop. Ms. Herbert said when 353 S. White St. is redeveloped, they anticipate commercial, retail, and food and beverage in that location.

Commissioner Sliwinski said looking at it from an enforcement standpoint is there any reason why they wouldn't just look at S. White St. and E. Owen St. as a social district. He understands including Norse Brewery and Freddie's Bottle Shop. Ms. Herbert said that could be explored.

Commissioner Wright said he would like to see Norse Brewery included in the social district. He said including Freddie's Bottle Shop would make sense if Norse were included.

Commissioner Sary expressed concern about a social district affecting the family-friendly atmosphere of downtown. He thinks the area proposed is too large and the hours too long. He thinks if they do have a social district, they should start small and evaluate it.

Mayor Jones remarked she doesn't think a social district is needed in the Town of Wake Forest.

**ACTION:**

Mover: Commissioner Adam Wright made a motion to approve an Ordinance Amending the Code of Ordinances Chapter 20 Offenses and Miscellaneous Provisions, Article I. - In General, Sec. 20-2. - Public consumption, possession, etc., of alcohol. as presented.

Seconder: Commissioner Keith Shackelford.

Vote: Motion denied 2-3.

Yay

Adam Wright

Keith Shackelford

Nay

Jim Dyer

Nick Sliwinski

Chad Sary

Commissioner Sary said they can revisit the social district at a later date. Town Manager Kip Padgett provided clarification on a "later date" stating it would be hard to meet the April 2023 deadline.

4.2. North Carolina League of Municipalities Municipal Advocacy Goals.

Mayor Jones stated the Board will need to designate a voting delegate who will receive information on how to vote online for ten of the sixteen goals proposed by the North Carolina League of Municipalities Board of Directors.

Mayor Jones stated the North Carolina League of Municipalities will work on achieving those goals with the legislators.

Commissioner Sary asked if the Board can have some time to review the goals before making a decision.

**ACTION:**

Mover: Commissioner Chad Sary made a motion to reappoint Mayor Jones for the position to vote on the legislative goal statements for the North Carolina League of Municipalities.

Seconder: Commissioner Jim Dyer.

Vote: Motion approved 5-0.

The Board will provide Mayor Jones with their feedback individually on what goals to eliminate within the next couple of days. Mayor Jones will compile the Board's feedback and report back to the Board at their next meeting.

<b>5. Commissioner Reports</b>
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There were no reports from Mayor Jones and Commissioners Sary, Shackelford, Sliwinski, Wright, and Dyer.

Town Manager Padgett stated the Capital Improvement Plan (CIP) notebooks were handed out at the beginning of tonight's meeting. Staff will be at the February 7, 2023 Board of Commissioners Work Session to discuss the CIP. Reach out to Aileen Staples or Benjamin Blevins if you have any questions prior to the February 7, 2023 Board of Commissioners Work Session. The Mayor and Board of Commissioner's Annual Retreat is scheduled on Friday, January 20, 2023 at 9:00 a.m. at the Wake Forest Renaissance Centre.

Town Manager Padgett asked Strategic Performance Manager Lisa Hayes to talk about an amendment to the purchase agreement for SunTrust properties.

Strategic Performance Manager Lisa Hayes stated in December 2021 the Board authorized Town Manager Padgett to enter into a purchase agreement with Cawthorne, Moss & Panciera for a portion of their back property located at 333 S. White St. Ms. Hayes said they entered into the sales agreement at \$635,000 for approximately 0.355 acres. Ms. Hayes stated there was no survey at that time. Ms. Hayes said during the due diligence for the project they got the survey completed and the property came in at 0.37 acres so there's an additional \$26,000 requested by the property owner which takes the price to \$661,000. Ms. Hayes is asking for an amendment to permit the town manager to enter into an amended contract for the additional \$26,000.

**ACTION:**

Mover: Commissioner Chad Sary made a motion to approve Town Manager Kip Padgett to enter into an amended contract for the additional \$26,000.00.

Seconder: Commissioner Keith Shackelford.

Vote: Motion approved 5-0.

Town Manager Padgett shared that Commissioner Wright and the Town's Advisory Board have had discussions about traffic lights and where they go from here with the existing system. Before Christmas in 2022, Joe Guckavan and Adam Oates sent out a memo to talk about where things stand.

Engineering Director Joe Guckavan stated NCDOT is looking at spending \$3.4 million in a contract to upgrade the controls of the 43 signals they operate and maintain in the town. Mr. Guckavan said he and staff looked at opportunities and options and believe it's best for the town right now to continue to allow NCDOT to operate and maintain those traffic signals. Mr. Guckavan said as technology improves it allows significant efficiency for reducing traffic congestion or improving traffic management on the roads. He said they'd certainly address the Board at that point and make a recommendation to do any upgrades at that time.

Commissioner Wright said there are many avenues they can go down to make this cost-effective such as grants and funding. He plans on pursuing this and will report back to the Board.

Commissioner Sliwinski asked what the \$3.4 million would cover. Chief Information Officer Adam Oates stated it would connect each of the town's traffic lights back to a central location. They would also upgrade each light, so they can control the schedules from a central location. Cameras would be installed at each intersection to monitor traffic, so they are able to make scheduling changes on the spot.

Town Manager Padgett stated it would also allow automatic switches during peak hours to keep lights greener longer. He said it would also allow for the installment of an opticom system for fire vehicles to get through a traffic light quicker during a rescue effort.

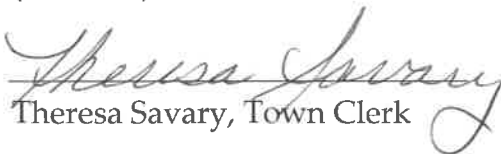
Joe Guckavan provided an update on the installment of a traffic light at Song Sparrow Dr. and Forestville Rd. He said there have been some challenges trying to get this project to move forward. He said it's been pushed back due to various reasons through NCDOT. Mr. Guckavan said as soon as he receives additional information he'll provide the Board with an update.


**6. Adjournment**

The Board of Commissioners adjourned the meeting at 7:44 p.m.

Duly approved in open session this 21<sup>st</sup> day of February 2023.

(ATTEST)

  
Theresa Savary, Town Clerk

  
Brian A. Jones, Mayor

